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OFFICE OF PETITIONS

In re Application of :
MOHAN R. DUGGI : LETTER REGARDING PATENT
Application No. 10/764,129 : TERM ADJUSTMENT
Filed: January 23, 2004 :
Attorney Docket No. 2003.08.008.WTO:

This letter is in response to the "GOOD FAITH AND CANDOR LETTER REGARDING PATENT TERM ADJUSTMENT," filed March 31, 2008.

Pursuant to applicant's duty of good faith and candor to the Office, applicant requests that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy. Applicant states that the correct patent term adjustment is 664 days.

The request for review of the determination of patent term adjustment is granted.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **664 days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 31, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 668 days. On March 31, 2008, applicant submitted the instant comment.

Applicant asserts that the patent term adjustment should be reduced by four days for the period of time in excess of three months that was taken to reply to a final Office action. See 37 CFR 1.704(b).

Applicant's assertion is well taken. A review of the application history reveals that applicant filed a notice of appeal on October 23, 2007, three months and four days after the date of the mailing of the final Office action on July 19, 2007. As applicant failed to engage in reasonable efforts to conclude processing or examination within the meaning of 37 CFR 1.704(b), a period of reduction of four days is warranted.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **664 days** (673 days of Office delay - 9 days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in applicant's favor, the Office will not assess the \$200.00 fee as set forth in 37 CFR 1.18(e). The Office thanks applicant for applicant's good faith and candor in bringing this to the attention of the Office.

Applicant is reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicant will be notified in the Issue Notification letter that is mailed to applicant approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Kerry A. Fries
Kerry A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of updated PAIR screen

Day : Thursday
Date: 7/17/2008

Time: 10:02:52

PALM INTRANET**PTA Calculations for Application: 10/764129**

Application Filing Date:	01/23/2004	PTO Delay (PTO):	673
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	5
Post-Issue Petitions:	0	Total PTA (days):	664
PTO Delay Adjustment:	-4		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
50	07/17/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		4	
43	12/31/2007	MAIL NOTICE OF ALLOWANCE			
42	12/28/2007	ISSUE REVISION COMPLETED			
41	12/27/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
40	12/26/2007	NOTICE OF ALLOWABILITY			
39	12/21/2007	DATE FORWARDED TO EXAMINER			
38	12/21/2007	MAIL APPEALS CONF. REOPEN PROSEC.			
37	12/20/2007	PRE-APPEALS CONFERENCE DECISION - REOPEN PROSECUTION			
36	10/23/2007	REQUEST FOR PRE-APPEAL CONFERENCE FILED			
35	10/23/2007	NOTICE OF APPEAL FILED			
34	10/17/2007	MAIL ADVISORY ACTION (PTOL - 303)			
33	10/15/2007	ADVISORY ACTION (PTOL-303)			
32	09/22/2007	DATE FORWARDED TO EXAMINER			
31	09/18/2007	AMENDMENT AFTER FINAL REJECTION			
30	07/19/2007	MAIL FINAL REJECTION (PTOL - 326)			
29	07/17/2007	FINAL REJECTION			
28	05/15/2007	DATE FORWARDED TO EXAMINER			
27	04/30/2007	RESPONSE AFTER NON-FINAL ACTION	5	26	
26	01/25/2007	MAIL NON-FINAL REJECTION	673		-1
25	01/08/2007	NON-FINAL REJECTION			
24	07/17/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	09/11/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			

22	12/14/2006	CASE DOCKETED TO EXAMINER IN GAU		
21	10/06/2006	CASE DOCKETED TO EXAMINER IN GAU		
20	10/05/2006	CASE DOCKETED TO EXAMINER IN GAU		
19.7	09/11/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
19	09/11/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
18	07/17/2006	REFERENCE CAPTURE ON IDS		
17.7	07/17/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
17	07/17/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
16	06/15/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE		
15	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU		
14	01/27/2006	CASE DOCKETED TO EXAMINER IN GAU		
13	12/27/2004	CASE DOCKETED TO EXAMINER IN GAU		
12	08/16/2004	TRANSFER INQUIRY TO GAU		
11	07/20/2004	APPLICATION RETURN FROM OIPE		
10	07/20/2004	APPLICATION RETURN TO OIPE		
9	07/20/2004	APPLICATION DISPATCHED FROM OIPE		
8	07/20/2004	APPLICATION IS NOW COMPLETE		
7	06/29/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM		
6	06/29/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC		
5	04/29/2004	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED		
4	03/09/2004	CLEARED BY OIPE CSR		
3	03/09/2004	CASE CLASSIFIED BY OIPE		
2	02/05/2004	IFW SCAN & PACR AUTO SECURITY REVIEW		
1	01/23/2004	INITIAL EXAM TEAM NN		

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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